

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)

**SUBDIVISION AGREEMENT
AND
SURETY BOND**

AGREEMENT

This agreement is made this ____ day of _____, 20 ____, by and between _____, party (parties) of the first part, hereinafter called the Developer and the Lexington County Council, South Carolina, party of the second part, hereinafter called the Council.

WITNESSETH

In consideration of the approval by the Council through its designee, of the subdivision known as _____, the Developer, for himself and his heirs, legal representatives, assigns, or other successors in interest, agrees to construct and install all of the physical improvements shown on the approved plans and specifications, including all approved revisions, by the ____ day of _____, 20 _____. In this subdivision, physical improvements shall include the construction of any roads, water or sewer systems, and storm drainage.

The Developer further agrees to:

1. Notify the Stormwater Manager of the Stormwater Management Division of the Public Works Department of Lexington County, two (2) days before the beginning of any road and/or storm drainage work.
2. Provide adequate supervision on the site at all times that construction or installation of required improvements is underway; have a responsible foreman or superintendent and one complete set of stamped approved plans, profiles and specifications, including any approved revisions thereof, available at the site at all times that work is performed.
3. Comply with all requirements of Lexington County, in order that roads and other improvements in dedicated rights-of-way will be approved by the County; to make prompt application upon completion of the required work, for approval by that Department.

The parties hereto agree that approval of plans and specifications and any revisions thereof, and of completed construction, shall be by the County Administrator or his designee.

The undersigned warrants that this agreement is made and executed pursuant to authority properly granted by the charter, bylaws and action of the Board of Directors of the Corporation.

In witness of all which the Developer has caused his name and/or seal to be affixed hereto, by _____ its President, and _____, its Secretary.

(Developer's Name)
Corporation Name

(Seal)

Attest: _____ By: _____
President

**STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON**

I, _____, a Notary Public in and for the State aforesaid, do hereby certify that _____ and _____, president and secretary respectively of the _____ (*Developer's Name*), whose names are signed to the foregoing, this day personally appeared before me in my State aforesaid and acknowledged their signatures affixed above, and the corporate seal as the genuine seal of the said corporation.

Given under my hand this ____ day of _____, 20 ____.

My Commission expires: _____

Notary Public

**LEXINGTON COUNTY COUNCIL
SOUTH CAROLINA**

In witness of which, the Council has caused this agreement to be executed on its behalf, and its seal affixed:

(Seal)

Attest _____ By: _____

Clerk to Council

County Administrator

**STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON**

I, _____, a Notary Public in and for the state aforesaid, do hereby certify that _____ and _____ County Administrator and Clerk to Lexington County Council, respectively, whose names are signed to the foregoing, this day personally appeared before me in my State aforesaid and acknowledged their signatures affixed above, and the seal of said Council, as the genuine seal of said Council.

Given under my hand this ____ day of _____ of 20 ____.

My Commission expires: _____

Notary Public

CERTIFICATION

I _____, Attorney, do hereby certify that _____ (*Developer's Name*) is legal owner of _____ (*Actual Name and Phase #*) on this ____ day of _____, 20____. (Subdivision)

Witness

Attorney

SURETY BOND

KNOW ALL MEN BY THESE PRESENTS, THAT

_____ *Developer's Name (Individual, Partnership, or Corporation)* _____, the developer, herein called the Principal, and _____ *Surety (Company or Individual)* _____, hereinafter called the Surety, are held and firmly bound unto the Lexington County Council of South Carolina, in the full and just sum of _____ **DOLLARS** (\$ (1 ½ / 150%), lawfully personal representatives, assigns, and other successors in interest, jointly and severally firmly by these presents:

WHEREAS, the developer to guarantee to the Council, performance of all of the provisions of the foregoing agreement, and

WHEREAS, Section 6.20 of the Subdivision Regulations for Lexington County provides for the bonding of a subdivision prior to Final Plat approval.

NOW, THEREFORE, the condition of this obligation and bond is such that if the Principal and/or Surety shall perform all of the provisions of the foregoing agreement specifically including the completion and approval of all required physical improvements by the specified date, then the obligation of this bond is void and of no effect; otherwise, it is to remain in full force and effect.

Further provided that the Surety, by execution hereof, expressly waives any right to review and approve any revisions to the plans, and specifications referred to in the agreement.

If a corporation:

The undersigned warrants that this bond is made and executed pursuant to authority properly granted by the charter, bylaws and action of the Board of Directors of the corporation.

If out-of-State:

The undersigned sureties, who do not reside in the State of South Carolina hereby irrevocably appoint as their agent for the acceptance of service of process in litigation arising out of this bond,

(Only if out of state) _____

and hereby acknowledge that service of process in a manner provided for by law upon such agent shall give a court of the State of South Carolina having jurisdiction over the subject matter of this bond, personal jurisdiction over the undersigned sureties.

In witness of all of the principal has caused its corporate name and seal to be affixed hereto, by _____ its President, and _____, its Secretary, and the surety has hereunto set their hand and seal this ____ day of (Same as Page 1, Line 1) , 20 ____.

(Developer's Name)
Corporation Name

(Seal)
Attest: _____ By: _____
Secretary President

(Seal)
Attest: _____ By: _____
Surety
(Must be the same as Page 3 surety)

STATE OF SOUTH CAROLINA *(PRINCIPAL)*
COUNTY OF LEXINGTON

I, _____, a Notary Public in and for the State aforesaid, do hereby certify that _____ and _____, president and secretary respectively of the _____, whose names are signed to the foregoing this day personally appeared before me in my State aforesaid and acknowledged their signatures affixed above, and the corporate seal as the genuine seal of the said corporation.

Given under my hand this ____ day of _____, 20 ____.
(On or after date of agreement.)

My Commission expires: _____
Notary Public

STATE OF SOUTH CAROLINA *(SURETY)*
COUNTY OF LEXINGTON

I, _____, a Notary Public in and for the State aforesaid, do hereby certify that _____

_____ whose names are signed as Surety acknowledged their signatures affixed above, and the corporate seal as the genuine seal of the said corporation.

Given under my hand this ____ day of _____, 20 ____.

My Commission expires: _____
Notary Public
